



HUNT LAW OFFICE

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Mary C. Wood
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RECEIVED

JAN 09 2007

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

December 11, 2006

South Dakota One Call Notification Board
1012 No. Sycamore Ave
Sioux Falls, SD 57110-5747

Re: One Call Notification Board - OC Number 06-009
Complaint to SD One Call Notification Board by City of Brandon
Location - 213 Fairway Circle, Brandon, SD

Dear Sirs:

This office represents Jeremy Scadden, dba Jeremy Scadden Construction.

My client's response to Complaint OC06-009 is enclosed for your reference. This is intended as service upon your Board as required by SDCL 49-7A-24.

A copy of this letter has been mailed to and so served upon the City of Brandon.

Sincerely,


Roger Hunt

mw
Enc.
cc: Mr. Jeremy Scadden

STATE OF SOUTH DAKOTA

SOUTH DAKOTA ONE CALL NOTIFICATION BOARD

SOUTH DAKOTA ONE CALL
NOTIFICATION BOARD,
Plaintiff,

vs.

JEREMY SCADDEN CONSTRUCTION,
Defendant.

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OC NO. 06-009

ANSWER OF JEREMY SCADDEN
CONSTRUCTION TO COMPLAINT
OF CITY OF BRANDON

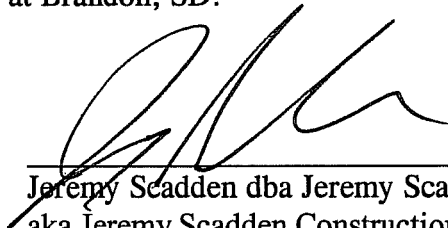
COMES NOW Defendant JEREMY SCADDEN, dba JEREMY SCADDEN
CONSTRUCTION, aka JEREMY SCADDEN CONSTRUCTION, INC., who makes and files
this Answer to the referenced Complaint, and in support thereof, states and alleges as follows:

1. Defendant admits performing an excavation for a basement at a location which the City of Brandon subsequently identified as 213 Fairway Circle, Brandon, SD.
2. During the said excavation, there was no damage whatsoever to any utilities services, private persons, or governmental entities.
3. During the said excavation, no injury occurred to the public's safety.
4. During the said excavation, there was no inconvenience caused to the public.
5. That on several previous occasions, the Defendant told contractors he must contact One Call before beginning excavation projects, and they subsequently utilized other excavators who did not call One Call, resulting in considerable financial loss to the Defendant, while other excavators were not held liable. Local government officials have failed to act on the Defendant's reports in such incidents.
6. That Defendant has been in the excavation business with his family since he was in high

school, and is familiar with the location of most utilities in the vicinity of Brandon and Valley Springs, SD. The Defendant has considerable experience in regard to the location of utility services and does not act recklessly in conducting excavation business. The Defendant fully realizes the cost to individuals and the general public which can result in the event of disruption of utility services.

7. The Defendant has excavated more than 375 basements and installed more than 375 water and sewer systems in the last five years, and has fully complied with the procedures set forth in SDCL 49-7A.
8. The Defendant hereby reserves his rights to present testimony and evidence, to cross-exam witnesses, and to make argument at any formal hearing conducted in this matter.

Dated this 8 day of December, 2006, at Brandon, SD.



Jeremy Scadden dba Jeremy Scadden Construction
aka Jeremy Scadden Construction, Inc.
P.O. Box 243
Valley Springs, SD 57068